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C O N F I D E N T I A L SECTION 01 OF 03 ALGIERS 002168

SIPDIS

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TAGS: [PREL](#) [PTER](#) [IO](#) [LY](#) [SY](#) [AG](#)

SUBJECT: SUBJECT: ALGERIA PREPARED TO COOPERATE ON CHAPTER VII RESOLUTION THAT SUPPORTS MEHLIS COMMISSION, DOES NOT PREDJUDGE SYRIAN CULPABILITY

REF: STATE 197619

Classified By: Ambassador Richard W. Erdman: Reasons 1.4 (b) and (d)

SUMMARY

1. (C) In an October 26 meeting with the U.S., French, and British ambassadors, FM Bedjaoui confirmed he would participate in the October 31 UNSC ministerial, said he would immediately instruct their New York delegation to engage in resolution consultations later today, and indicated Algeria was prepared to go along with a Chapter VII resolution and, if warranted by a final Mehlis report, eventual sanctions. He said Algeria's approach would be influenced by its UNSC role representing the interest of the Arab world, its current responsibilities as rotating presidency of the Arab League, its principled rejection of political assassinations, and its condemnation of terrorism by anyone, anywhere, and for any purposes. Emphasizing that any action on sanctions needed to await a final Mehlis Report, he said Algeria was willing to help with any initiative that would strengthen Mehlis' ability to carry out his mission and could agree to "everything" in the resolution that called for full cooperation with the Mehlis Commission. On the draft text, he positively noted the absence of a call for sanctions on Syria prior to a definitive report; stressed the importance of keeping the focus of a new resolution on the Mehlis Commission; and expressed some misgivings about language referring to Syria's having lied to the Mehlis Commission. He also suggested (but then backed off in response to a strong French and U.S. rebuttal) the idea that calling on Syria to cease interference in Lebanon might be prejudging the situation, and quibbled that calling on Syria to renounce terrorism might also be prejudicial, absent a final Mehlis Report. (End summary.)

ALGERIA'S VIEWS WILL BE SHAPED BY ITS STRONG
CONDEMNATION OF TERRORISM AND POLITICAL ASSASSINATIONS

2. (C) Algerian FM Bedjaoui convoked British, French, and U.S. Ambassadors October 26 to discuss draft UNSC resolution concerning the Mehlis Commission report. He prefaced his remarks (in French) by noting that he had earlier in the morning met with ambassadors of other UNSC member countries present in Algiers but had wanted to meet separately with the ambassadors from the countries that had co-drafted the proposed resolution. The current situation between Syria and Lebanon was very difficult, he said, "with implications we all know." Algeria's approach to the issue was influenced by several factors. First, on the Security Council it had the responsibility of reflecting Arab world concerns and interests. Second, since March Algeria has held the rotating presidency of the Arab League. Third, as a matter of principle, Algeria vigorously condemned any and all political assassinations. Finally, Algeria opposed terrorism "anywhere, by anyone, and for whatever purpose." In this regard, the assassination of Prime Minister Hariri was clearly an act of terrorism which Algeria condemned in the strongest terms.

3. (C) Noting that Algeria firmly held to these principles, Bedjaoui said it was within this framework that President Bouteflika had discussed the issue over the last couple days with various leaders and would consider the proposed resolution. Algeria, he emphasized again, firmly condemned terrorism and political assassinations, especially those aimed at holding on to power or territory. As for the proposed resolution, Bedjaoui said the UNSC should take note of the Mehlis report while keeping in mind that this was an interim report only. Mehlis himself had asked for more time in order to complete a thorough investigation and prepare a definitive report.

ALGERIA CAN SUPPORT A CHAPTER VII RESOLUTION
CALLING FOR COOPERATION WITH MEHLIS INVESTIGATION

4. (C) Bedjaoui emphasized that in Algeria's view Mehlis should have full authority to carry out his mission. At the same time, it would be important for him "not to lose the character of his mandate," whose terms of reference were agreed between the Lebanese government and the UN. Algeria

was willing to help with any initiative aimed at strengthening Mehlis' ability to carry out his mission and obtaining the cooperation of the Lebanese government, the Syrian government, and individuals with the investigation. It was also willing to call for this in a resolution within the framework of Chapter VII. Noting appeals to Bouteflika to help the international community support the Mehlis Commission's ability to successfully carry out its mandate, Bedjaoui said Algeria was in favor of "everything in the resolution that called for cooperation with the Commission."

"WE COULD ENVISION EVENTUAL SANCTIONS"
IF WARRANTED BY FINAL MEHLIS REPORT

15. (C) Bedjaoui then turned to the draft text, noting that they had only received it that morning and were still studying it. He also noted plans for a ministerial-level Security Council meeting October 31, confirming his participation and adding that he would depart for New York October 28 in order to allow time to work on the text with his delegation. He positively noted the draft resolution did not call for sanctions, adding that a definitive report from Mehlis was first needed before such a step could be taken. "At that point, we could envision eventual sanctions." He expressed some misgivings about the language referring to Syria's having deceived the Mehlis Commission, noting he did not know how this would come out in the end but that this was an issue he planned to work on with his colleagues.

FRENCH AMBASSADOR: NON-COOPERATION WITH MEHLIS
WILL BE UNDERSTOOD AS GROUNDS FOR SANCTIONS

16. (C) Bedjaoui then asked the three ambassadors if they had any comments. Ambassador said he had not yet received the text with instructions, which had been promised, due to an apparent transmission problem and thus deferred to French ambassador de Verdier, who had received the draft text. De Verdier explained that the draft resolution had been driven by a desire of the three co-drafters to help the Mehlis Commission carry out its mandate by ensuring full cooperation with the investigation. He agreed with Bedjaoui's point that the Mehlis Report was an interim report only, adding that was why the proposed resolution had avoided presenting the current report as definitive or imposing sanctions on Syria. "While we cannot prejudge," he assured Bedjaoui, "we are in the logic of sanctions," given the fact that the resolution was prepared under Chapter VII and that non-cooperation with the Mehlis Commission will be understood as grounds for sanctions. De Verdier also emphasized the independence of the Mehlis Commission. It had a UN mandate which must be implemented. The Security Council must not substitute itself for the Commission, but the latter must at the same time be able to carry out its mandate fully.

BEDJAOUI EXPRESSES MISGIVINGS ON PARTS OF TEXT,
POSSIBLY PREVIEWING LINE OF ARGUMENT IN NEW YORK

17. (C) Bedjaoui, an experienced jurist and former president of the International Court of Justice in The Hague with a keen eye for legalisms, questioned whether the resolution's call on Syria to cease interference in Lebanese affairs was consistent with a presumption of innocence, pending the final Mehlis report. De Verdier responded that this language was drawn from UNSC Resolution 1559. We could not act as if 1559 has been totally implemented, he said. With the caveat that he had not yet seen the proposed text, with contextual language, Ambassador strongly supported this explanation, adding that Syria's extensive intelligence presence in Lebanon was a well-known fact and pushing back firmly when Bedjaoui, downplaying the issue, commented that many countries have intelligence services operating in other countries.

18. (C) Bedjaoui in the end backed off this point, noting that "we can find suitable language." Similarly, Bedjaoui questioned the demand that Syria renounce terrorism as prejudging Mehlis. Ambassador pushed back strongly on this point as well, adding that Syria was supporting Palestinian groups that were committing terrorist attacks and undermining peace efforts of Palestinian President Mahmoud Abbas. They were also allowing suicide bombers and other elements linked to Zarqawi to enter Syria via Damascus Airport, something they could surely control if they wanted to. Bedjaoui said we should keep the focus on the Commission. The fact that the resolution was under a Chapter VII framework was in and of itself a threat of sanctions.

ERDMAN